Translation

PCT/EP2003/012599

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCA-40793	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP2003/012599	International filing date (*day/month/year*) 11 November 2003 (11.11.2003)	Priority date (*day/month/year*)
International Patent Classification (IPC) or national classification and IPC F16L 37/088		
Applicant HANS OETIKER AG MASCHINEN- UND APPARATEFABRIK		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

   ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

   - I ☒ Basis of the report
   - II ☐ Priority
   - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV ☐ Lack of unity of invention
   - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI ☐ Certain documents cited
   - VII ☐ Certain defects in the international application
   - VIII ☐ Certain observations on the international application

Date of submission of the demand 06 September 2004 (06.09.2004)	Date of completion of this report 27 February 2006 (27.02.2006)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP2003/012599

I. Basis of the report

1. With regard to the **elements** of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-6, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1, 3-37, filed with the letter of 06 September 2004 (06.09.2004)

☒ the drawings:

pages 1/1, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1, 5	NO
Inventive step (IS)	Claims		YES
	Claims	1, 3-6	NO
Industrial applicability (IA)	Claims	1, 3-6	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: DE 196 23 995 A (VOSS ARMATUREN)
18 December 1997 (1997-12-18)

D2: DE 12 47 087 B (STANTON & STAVELEY LTD)
10 August 1967 (1967-08-10)

D3: US-A-5 570 910 (HIGHLEN JOHN L)
5 November 1996 (1996-11-05).

The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).

Document D1 discloses (the references in brackets are to said document):

a quick-fit coupling comprising:

a socket (2),

a pipe nipple (4) which can be inserted into the socket and the outer surface of which has an engaging section (16) with a diameter that is reduced or increased,

/...

a locking element (12) within the socket, said locking element engaging with the engaging section of the pipe nipple and, when coupled, retaining said engaging section, and

a compression spring (32) between a stop within the socket and the insertion end of the pipe nipple,

said locking element being disposed at a point close to the insertion end of the socket, and the dimensions of the compression spring being such that, when in the non-coupled state, the compression spring pushes the pipe nipple so far out of the socket that the engaging section is outside the socket (see D1, column 3, lines 14-18 and lines 27-33: in the non-coupled state the compression spring pushes the pipe nipple out of the socket).

Although D1 does not explicitly disclose that the pipe nipple is pushed so far out of the socket that the engaging section is outside said socket, it does appear to be at least a likely outcome, which is dependent on parameters such as the elastic force of the compression spring, the weight of the pipe nipple, the frictional force between the pipe nipple and socket, etc.

Although figures 2 and 6 of D1 show the state wherein the compression spring is fully relaxed and in this state the engaging section is completely inside the socket, said figures show the state of the coupling when the pipe nipple is *inserted* into the socket and it cannot therefore be excluded that, when in the non-coupled state, the compression spring pushes the pipe nipple so far out of the socket that the engaging section is outside the socket.

/...

Dependent claims 3-7 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and/or inventive step. In particular, the subject matter of claims 3 and 4 cannot be considered inventive (PCT Article 33(3)) relative to D1 in combination with D2 and the subject matter of claims 6 and 7 cannot be considered inventive relative to D1 in combination with D3.